

REMARKS

Claims 7, 9-12, 14, 15, and 19-30 are pending. Claims 7 and 21 are amended without prejudice. Applicants disagree with all rejections and make these claim changes only to expedite prosecution and move to allowance as soon as possible. Applicants submit that the claim changes introduce no new matter. Favorable reconsideration and allowance in light of the remarks which follow is respectfully requested.

35 U.S.C. §102 Rejections

Claims 7, 9-11, 14, and 15 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,682,555 to Cioanta et al. (hereinafter "Cioanta"). Applicants traverse. Of these rejected claims, only amended claim 7 is an independent claim.

Amended independent claim 7 recites, in part, "a connecting segment disposed between the first and second segments and coupling together the first and second segments, the connecting segment including a wire."

It is asserted on page 3 of the Office action that Cioanta discloses "a connecting segment (proximal section of 21, which is locatable in the sphincter) disposed between the first and second segments and coupling together the first and second segments, wherein the connecting element is solid (i.e., not liquid or gaseous)." As shown and described in Cioanta at, for example, column 13, lines 10-16, and FIGS 6A and 6B, the proximal section of 21 is a shaft that includes a plurality of elongated channels 21c. Thus, Cioanta clearly does not teach or suggest a connecting segment disposed between the first and second segments and coupling together the first and second segments, the connecting segment including a wire.

35 U.S.C. §103 Rejections

Claims 7, 9-12, 14, 15, and 19-30 are rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,338,739 to Datta et al. (hereinafter “Datta”) or, in the alternative, under 35 U.S.C. 103(a) s over Datta in view of U.S. Patent No. 5,833,651 to Donovan et al. (hereinafter “Donovan”), U.S. Patent No. 5,788,979 to Alt et al. (hereinafter “Alt”), or U.S. Patent No. 5,290,271 to Jernberg (hereinafter “Jernberg”). Claims 7, 9-12, 14, 15, and 19-30 were also rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,766,209 to Devonec (“Devonec”) and Donovan, Alt, or Jernberg. Claims 7 and 21 are the only examined independent claims. Applicants traverse all of these rejections, at least for the following reasons.

Datta

Datta describes “[a] biodegradable stent for implantation into a lumen in a human body. The stent in one embodiment is made from a biodegradable fiber having an inner core and an outer layer. ... The fiber softens in vivo such that the stent is readily passed from the lumen as a softened fragment or filament after a predetermined period of time through normal flow of body fluids passing through the lumen.” Abstract. Datta also discloses in the Background of the Invention section that the use of biodegradable materials for manufacturing temporary stents eliminates the need for subsequent surgical procedures to remove the stent from the body lumen. Column 2, lines 24-29. Thus, Datta clearly does not teach or suggest a removal segment extending from a second segment of a prostatic stent.

Devonec

It is asserted on page 7 of the Office action that Devonec discloses “a plurality of openings (**first interpretation**: perforations 9c, as shown in Figure 6; **second interpretation**: perforations 51, as shown in Figure 13; **third interpretation**: perforations on the proximal portion of sleeve 10, as shown in Figures 5b and 5c).” (emphasis in original).

Regarding the first interpretation, Devonec describes that the upper end of the tubular element 9 is closed transversely and is presented in the form of a convex rounded stump 9b with one or two lateral orifices 9c for communicating with the inside of the tubular element 9.

Column 5, line 65 – column 6, line 3. The orifices 9c receive fluid from the bladder of the patient when the upper end of the upper tubular element 9 has arrived in the bladder. Column 6, lines 35-48 and FIG. 9. Thus, Devonec does not teach or suggest a plurality of ports in fluid communication with the lumen for applying at least one agent to the external surface from the lumen, and the proximal portion including at least one opening in communication with the lumen for receiving fluid from the bladder of the patient. Regarding the second interpretation, Devonec describes perforation 51 distributed along its length that promote the embedding of the prosthesis with respect to the urethral wall. Column 5, lines 37-40. Nowhere in Devonec is it taught or suggested that these perforations are in fluid communication between the lumen and the external surface. Regarding the third interpretation, the flexible sleeve 10 is acknowledged as the connecting segment (10) on page 7 of the Office action. Therefore, even assuming that Devonec does disclose perforations on the proximal portion of sleeve 10, that is entirely different from a first segment locatable on the proximal side of a patient's external urinary sphincter including plurality of ports in fluid communication with the lumen for applying at least one agent to the external surface from the lumen. Thus, Devonec is completely silent with respect to applying an agent, such as a hemostatic agent, from the interior lumen to the external surface of the stent. Rather, according to Devonec, if an agent is provided, it is precoated on the external surface of the tubular elements 9, 11 (column 6, lines 4-6).

Applicants thus submit that the rejections of independent claims 7 and 21 over Datta and Devonec must be withdrawn. The secondary references (*i.e.*, Donovan, Alt, and Jernberg) are used in the action only in combination with Datta and Devonec and only as disclosing various combinations of hemostatic and anticoagulant agents. Accordingly, independent claims 7 and 21 are patentable over Datta alone or in proper combination with Donovan, Alt, or Jernberg. Independent claims 7 and 21 are also patentable over Devonec alone or in proper combination with Donovan, Alt, or Jernberg. Claims 9-12, 14, 15, 19, 20, and 22-30 depend directly or indirectly from claim 7 or 21, and thus, also are patentable.

CONCLUSION

Accordingly, it is respectfully submitted that the present application is now in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

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